

**To:** Beck, Nancy[Beck.Nancy@epa.gov]; Bertrand, Charlotte[Bertrand.Charlotte@epa.gov]; Wise, Louise[Wise.Louise@epa.gov]  
**From:** Strauss, Linda  
**Sent:** Wed 12/20/2017 1:52:45 PM  
**Subject:** NYT press response on 3 chems

I sent our response last evening – still awaiting OPA approval. Story has already run.

**From:** Daguillard, Robert  
**Sent:** Wednesday, December 20, 2017 8:46 AM  
**To:** Strauss, Linda <Strauss.Linda@epa.gov>  
**Subject:** RE: LINDA: Morning check-in, 20 December 2017

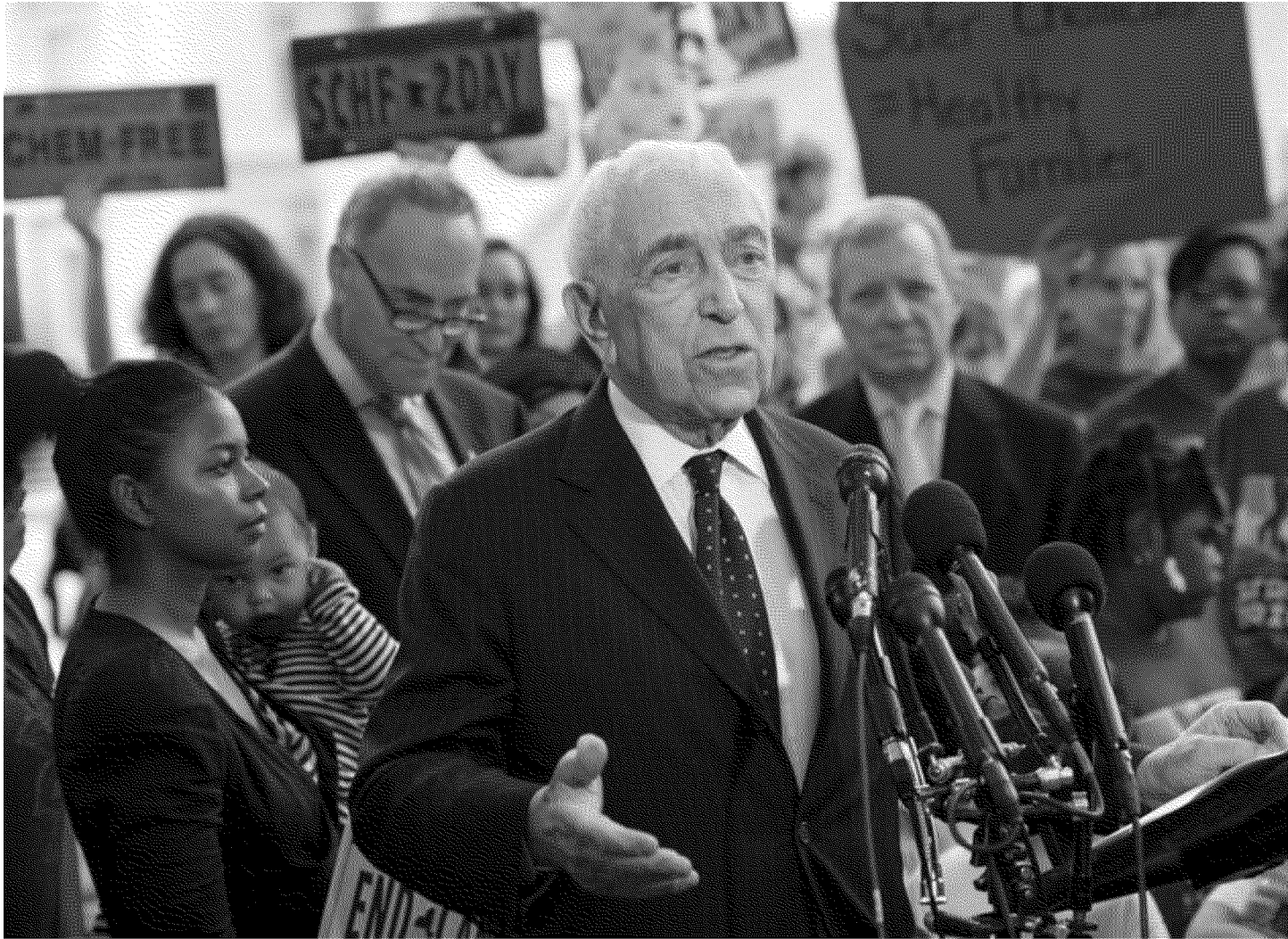
Follow-up. The NY Times story:

## ***E.P.A. Delays Bans on Uses of Hazardous Chemicals***

By SHEILA KAPLAN DEC. 19, 2017

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Photo



Senator Frank Lautenberg, Democrat of New Jersey, on Capitol Hill in 2012, a year before his death. He urged the stricter regulation of toxic chemicals. CreditChris Maddaloni/CQ Roll Call, via Getty Images

The Environmental Protection Agency will indefinitely postpone bans on certain uses of three toxic chemicals found in consumer products, according to an update of the Trump administration's regulatory plans. Critics said the reversal demonstrated the agency's increasing reluctance to use enforcement powers granted to it last year by Congress under the Toxic Substances Control Act.

E.P.A. Administrator Scott Pruitt is "blatantly ignoring Congress's clear directive to the agency to better protect the health and safety of millions of Americans by more effectively regulating some of the most dangerous chemicals known to man," said Senator Tom Carper, Democrat of Delaware and the ranking minority member on the Senate Environment and Public Works committee.

The E.P.A. declined to comment. In a news release earlier this month, the agency wrote

that its “commonsense, balanced approach carefully protects both public health and the environment while curbing unnecessary regulatory burdens that stifle economic growth for communities across the country.”

Agency officials dropped prohibitions against certain uses of two chemicals from the administration’s Unified Agenda of Regulatory and Deregulatory Actions, which details short- and long-term plans of the federal agencies. The third ban was dropped in the spring edition of that report.

The proposed bans targeted methylene chloride and N-methylpyrrolidone (NMP), ingredients in paint strippers, and trichloroethylene (TCE), used as a spot cleaner in dry-cleaning and as a degreasing agent.

Under an overhaul of the Toxic Substances Control Act last year, the E.P.A. initially is reviewing the risks of ten chemicals, including other uses of these three. The updated law is known as the Frank R. Lautenberg Chemical Safety for the 21st Century Act, named after the late New Jersey senator who had long championed an overhaul of the loophole-ridden toxic substances law.

The revised law had strong bipartisan support. The Senate passed the measure on a voice vote; the House approved it 403 to 12. The intention was to give the E.P.A. the authority necessary to require new testing and regulation of thousands of chemicals used in everyday products, from laundry detergents to hardware supplies.



***E.P.A. Administrator Scott Pruitt testifying before a House committee earlier this month. The E.P.A. has declined to pursue bans on certain uses of three toxic chemicals. CreditPete Marovich/Getty Images***

In a compromise that disappointed some environmental advocates, the law required the E.P.A. to examine about 20 chemicals at a time, for no longer than seven years per chemical. But the law expressly allowed for faster action on high-risk uses of methylene chloride, NMP and TCE.

Public health experts had been pushing for faster review of methylene chloride-based paint strippers after several deaths from inhalation, among them a 21-year-old who died recently after stripping a bathtub.

It has been several years since the E.P.A. first declared these applications of the three chemicals to be dangerous. The agency itself has found TCE “carcinogenic to humans by all routes of exposure” and has reported that it causes developmental and reproductive damage.

“Potential health concerns from exposure to trichloroethylene, based on limited

epidemiological data and evidence from animal studies, include decreased fetal growth and birth defects, particularly cardiac birth defects,” agency officials noted in 2013.

Methylene chloride is toxic to the brain and liver, and NMP can harm the reproductive system.

Michael Dourson, President Trump’s nominee to oversee the E.P.A.’s chemical safety branch, in 2010 represented the Halogenated Solvents Industry Alliance before the E.P.A., which was considering restrictions on TCE.

Mr. Dourson, who withdrew his name from consideration last week, had been working as an E.P.A. adviser while awaiting confirmation. The agency did not respond to a query about whether Mr. Dourson had been involved in the evaluation of TCE.

The E.P.A. now describes the enforcement actions regarding TCE, methylene chloride and NMP as “long-term actions” without a set deadline.

“The delays are very disturbing,” said Dr. Richard Denison, lead senior scientist of the Environmental Defense Fund. “This latest agenda shows that instead of using their expanded authorities under this new law, the E.P.A. is shoving health protections from highly toxic chemicals to the very back of the back burner.”

Representative Frank Pallone, Democrat of New Jersey and the ranking minority member of the House Energy and Commerce committee, agreed, saying, “These indefinite delays are unnecessary and dangerous.”

“The harmful impacts of these chemicals are avoidable, and E.P.A. should finalize the proposed rules as soon as possible,” he added.

**From:** Daguiard, Robert  
**Sent:** Wednesday, December 20, 2017 8:34 AM  
**To:** Strauss, Linda <[Strauss.Linda@epa.gov](mailto:Strauss.Linda@epa.gov)>  
**Subject:** LINDA: Morning check-in, 20 December 2017

Good morning Linda,

A few things:

- Pat Rizzuto has already published her story on asbestos – text follows these bullet points. She says she welcomes whatever we can send her, but will not update the already published text.
- The responses to the New York Times on TCE rulemaking await approval; The reporter has already published her story (link and text in a subsequent e-mail).
- Will we hold a public meeting during the glyphosate draft human health assessment comment period early next year?

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**BLOOMBERG BNA; PAT RIZZUTO:**

## **EPA Reviews Contested Asbestos Uses in Oil, Chemical Production**

### **Snapshot**

- **Oil drillers', chemical makers' use of asbestos probed**
- **In January, EPA to release scope of asbestos uses, exposures it will review**

### ***By Pat Rizzuto***

Oil drillers' and chemical manufacturers' use of equipment made with asbestos is being probed by the EPA as agency officials decide whether uses of the mineral may be restricted.

The Environmental Protection Agency has met with American Friction Inc., the Branham Corp., the Chemours Co., the Occidental Chemical Corp., and other companies in recent months on the topic. These companies were queried about their importation or use of asbestos, according to meeting summaries.

The EPA is using this information to review which uses, exposures, and potentially exposed populations it will examine. Its goal is to decide whether the use of and exposure to the cancer-causing mineral poses an unreasonable risk. The review is occurring in the wake of findings from European regulators that 14 percent of more than 200 products tested contained asbestos.

The scope of the EPA's risk evaluation and the questions it aims to answer will be in a "problem formulation" document set for release by the end of January 2018, Jeffery Morris, director of the EPA's Office of Pollution Prevention and Toxics, said Dec. 13 at a Society for Risk Analysis meeting.

The risk evaluation must be complete by mid-2020 under deadlines set by the Toxic Substances Control Act amendments of 2016.

If the EPA concludes that asbestos poses unreasonable risks, the agency could restrict or ban its importation or products that contain it.

### **Remediation Specialists Troubled**

The EPA has not said what it will do with the recently gathered information, but a preliminary plan it released in June troubled asbestos remediation professionals along with organizations upset by the deaths asbestos has caused.

"We would see the exposures of most concern to us totally ignored," Andrew Oberta, an asbestos remediation consultant based in Austin, Texas, told Bloomberg Environment.

Oberta's company, the Environmental Consultancy, was among dozens of groups that said the EPA's preliminary plan would ignore the ongoing presence of asbestos in insulation, ceiling tiles, vinyl flooring, and other construction materials. People can be exposed as long as those products are in place, they said.

If the EPA ignores these ongoing exposures, its resulting risk evaluation likely wouldn't find problems, thus negating "the need for regulations and precautions to control the hazard," Oberta wrote in comments to the agency.

### **Asbestos Spurs Attention**

Of the 10 chemicals EPA is reviewing, industry's ongoing uses of asbestos has stirred the most controversy as evidenced by the number of meetings, data submissions, and comments filed, according to EPA dockets.

The interest in asbestos is expected because of its known potential to cause cancer and lung disease, and because of long-standing frustration over the EPA's inability to ban a carcinogen. That fact was a major driver prompting Congress to amend TSCA.

In 1991, the U.S. Court of Appeals for the Fifth Circuit overturned the agency's 1989 rulemaking that would have banned multiple uses of asbestos (*Corrosion Proof Fittings v. EPA*).

Neither the EPA, American Friction, which specializes in oilfield equipment, Chemours, which uses asbestos-containing sheet gaskets to make titanium dioxide, nor Branham Corp., which imports gaskets and other industrial equipment for chemical and petrochemical industries, returned Bloomberg Environment's calls and emails seeking details on the information they discussed.

### **Legal Imports, Uses**

The companies legally import and use asbestos. A few companies—Occidental Chemical Corp., Olin Corp., and Westlake Chemical Corp.—import large quantities of the raw mineral.

In 2016, the U.S. imported 705 metric tons (1.55 million pounds), according to data from the U.S. International Trade Commission. These companies use asbestos in special equipment that produces chlorine and caustic soda.

The EPA knows or suspects that many imported products contain asbestos, in addition to the raw mineral.

These include sheet gaskets, which seal equipment and are used by chemical manufacturers; brake blocks used by the oil industry; clothing for steel mill, welding shop, and other workers in hazardous environments; and building materials, according to an EPA use and market profile.

American Friction imported 46 shipments of brake blocks between July 1, 2007, and Dec. 14, 2017, according to information from Panjiva Inc., which compiles global trade data from U.S. government and other sources.

Buenos Aires-based Industries Brake Systems Argentina was the sole supplier of these brake blocks. Whether the blocks contain asbestos and how much isn't available from the import records.

"The import volume of products containing asbestos is not known," the EPA said in its preliminary assessment plan.

### **EU Identifies Sources**

Other products not yet identified by the EPA also could be a source of asbestos, based on recent enforcement efforts in the European Union.

The European Chemical Agency's Enforcement Forum announced in November the results of its testing of 213 products for asbestos, which a 2016 restriction prohibits from being added to products.

Of those, 29, or 13.6 percent, had asbestos. The most frequent products containing it were catalytic heaters (20). Other products included thermos flasks (3), brake pads (2) and cement (2), according to data the agency provided to Bloomberg Environment.

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